

FILED
UNITED STATES DISTRICT COURT OFFICE
DISTRICT OF MASSACHUSETTS
2004 JUL 30 P 12:22
CIVIL ACTION NO. 04-10480-RGS

U.S. DISTRICT COURT
DISTRICT OF MASS

SILAS CALHOUN AND EMILY)
CALHOUN, INDIVIDUALLY, AND AS)
PARENTS AND NEXT FRIENDS OF)
ESTELLA CALHOUN,)
Plaintiffs,)
v.)
UNITED STATES OF AMERICA,)
ERIC C. DAUB, M.D. AND)
MARIANNE SUTTON, M.D.,)
Defendants.)

**AUTOMATIC DISCLOSURES OF THE
DEFENDANT, MARIANNE SUTTON, M.D.**

Pursuant to F.R.C.P. 26(a) and Local Rules 26.1(a) and 26.2(a), the defendant, Marianne Sutton, M.D., has provided the following to plaintiff's counsel, Michael S. Appel:

1. Individuals likely to have discoverable information.

- (a) The physicians, nurses, and health care providers at Emerson Hospital, including Dr. Russell Coleman, Dr. Lisa Kelly, Dr. Sutton, Dr. Sarah Shulman, Dr. Mark Connaughton, Robyn Gentilotti, R.N., Michelle Bartlett, R.N., Jennifer Eliot, M.L. Sauro, R.N., and C. Barron, R.N.
- (b) Dr. Eric Daub

In accordance with Local Rule 26.1 (B), at this time, Dr. Sutton is unable to identify any other individuals who may have information regarding the events alleged in the plaintiffs' complaint.

The defendant reserves the right to further supplement this list.

2. Documents

Dr. Sutton does not have any records regarding the care and treatment that she rendered to Estella Calhoun other than what is contained in Estella Calhoun's medical records from Emerson Hospital which are in the hospital's custody.

3. Insurance Agreements

- (a) A policy declaration page from ProMutual, policy no. 1-MP9877, which is attached.

Respectfully submitted,

The defendant,
MARIANNE SUTTON, M.D.,
By her Attorneys,



Paul R. Greenberg, BBO No. 552176

Holly L. Parks, BBO No. 647273
RINDLER • MORGAN, P.C.
133 Portland Street, Suite 500
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(617) 973-0660

Dated:

I hereby certify that a true copy
of the above document was
served upon the attorney of
record for each party by hand
or mail on 7/27/04
ATL



ProMutualGroup

Medical Professional Mutual
Insurance CompanyMedical Professional Liability - Claims Made
Renewal Declaration

POLICY NUMBER: 1-MP9877
 FORMER POLICY NUMBER: 1-MP9877

NAMED INSURED AND ADDRESS: Marianne Sutton, M.D. Emerson Pediatric Group Rte.2, ORNAC P.O. Box 9120 Concord, MA 01742-9120	PMG ID#: A41477	PRODUCER: Fred C. Church Inc. 1 Merrimack Plz PO Box 1865 Lowell, MA 01853-1865	PRODUCER ID#: G20J031
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POLICY PERIOD: 04/12/2003 to 04/12/2004 at 12:01 A.M.
 Standard Time at Named Insured address above.

DESCRIPTION OF BUSINESS:
 MEMBER OF A CORPORATION

**IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY,
 WE AGREE WITH YOU TO PROVIDE THE INSURANCE COVERAGE STATED IN THIS POLICY.**

COVERAGE	RETROACTIVE DATE	CLASS CODE AND DESCRIPTION	LIMITS
Professional Liability		80267 Pediatrics-No Surgery	\$1,000,000 Per Claim \$3,000,000 Annual Aggregate
Claims Made	04/12/1989		
Supplementary Payments Retroactive Date:	01/01/1998		

ADDITIONAL RATING FACTORS:

Claims Free Credit

ADDITIONAL COVERAGES:**PREMIUM:**

Professional Contractual Liability \$250

FORMS AND ENDORSEMENTS ATTACHED TO THIS POLICY:

PL 025 01/01	Medical Professional Liability for Physicians and Surgeons – Claims Made Form
PL 019B 01/01	Contractual Liability Endorsement – Claims Made Form
PL 054 01/01	Massachusetts Mandatory Amendments Endorsement

POLICY PREMIUM:	\$5,069
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DIVIDENDS PAID:	\$241
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PREMIUM AFTER DIVIDENDS:	\$4,828
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Richard W. Brewer President & CEO	Janice W. Allegretto Asst. Sec.
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THIS IS NOT A BILL. THE BILL WILL FOLLOW SHORTLY.